

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WALTER CUNNINGHAM & LYNN DEREMER Case No. 10857 – 2011

A hearing was held after due notice on September 12, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard setback requirements north of Road 287 (Kendale Road), 595' east of Road 285 (Beaver Dam Road). The Applicant was seeking a 3.1' variance from the required 15' side yard setback for an existing pole building. After a hearing, the Board made the following findings of fact:

1. The Applicant purchased the property in 2009. He used an existing tree line to measure the setback for the pole building, believing the trees to be located on the property line.
2. The County issued a Certificate of Occupancy for the building. A recent survey revealed the encroachment.
3. Greg Kelly, the immediately adjacent neighbor, testified in support of the application. He indicated that the trees were actually on his property, and not on the property line, which explained the measuring error. He does not believe the building has any negative effect on his property, and he does not object to it.
4. No persons appeared in opposition.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

**BOARD OF ADJUSTMENT
OF SUSSEX COUNTY**


Dale Callaway
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date October 18, 2011.